

MEETING #37 - November 4

The Madison County Board of Supervisors held a meeting on November 4, 2020 at 7:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair
Kevin McGhee, Member
Amber Foster, Member
Carty Yowell, Member
Jack Hobbs, County Administrator
Patrick Taves, Special Counsel
Ligon Webb, Director of Planning, Zoning and Permitting

***The Board's meeting took place immediately after the Planning Commission adjourned its meeting at which the Commission recommended approval of Case No. SU-11-20-21.**

Call to Order/Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson called the meeting to order and noted that a quorum was present.

Supervisor Foster moved that the Agendas be adopted as presented, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Public Comment

Chairman Jackson opened the floor for public comment. With no comment(s) being brought forth, the public comment opportunity was closed.

Public Hearings

A. Case No. SU-11-20-21: Request by CWS X, LLC for an indefinite special use permit to develop a wireless communication facility ("WCF"). The subject property is zoned A1 (Agriculture) and per article one (zoning ordinance) section 14-3-4 (uses requiring a special use permit WCF's exceeding one-hundred (100) feet in height require a special use permit. The subject property is 376.2 acres, and the property's owner(s) intend to lease a 10,000 square foot area to the applicant. The WCF would be confined to a roughly 50' x 100' fenced-in compound; the total site disturbance – including access road and fenced-in compound – is estimated to be approximately 1.18 acres. The monopole tower's proposed height is 175 feet with an attached four (4) ft. lightning rod. The subject property is located on South Blue Ridge Turnpike (Rt. 231), and is owned by M & W Farm, LLC. The subject parcel is identified on Madison County's Tax Maps as 69-7, and an existing dwelling on the site has a postal address of 950 South Blue Ridge Turnpike, Somerset, VA 22972.

A staff report and written communication pertaining to the case received from the following had been provided to each Board member prior to the meeting:

- Charlotte Tieken (Orange County)
- Jennie Hill Robinson (Oak Park Road)
- Roy Shannon, an attorney representing William Rother
- Brian Gordon, Madison County Director of Emergency Communications

During a preceding session, the Planning Commission recommended approval of the CWS special use permit application.

Special Counsel Patrick Taves noted that the Shannon letter requests that the Madison County Board of Supervisors suspend activity on the CWS special use permit application. The letter references an appeal before the Board of Zoning Appeals which will be dealt with as a separate matter. Mr. Taves recommended that the Board of Supervisors continue processing the CWS special use permit application as presented.

A public hearing on the application was opened. The following individual(s) came forth:

Chris Hawke (Piedmont Environmental Council) came forward and referred to comments that he made during the Planning Commission meeting; concurred with comments made by Mr. Fisher with regard to the importance of protecting the health, safety and welfare of the public, as well as providing connectivity resources within the locality; noted that if there are other viable alternatives available at the same site, this would be an easy transition to accomplish; at the same site, this could be an easy transition to accomplish which the County could review; feels that the lower end of the tower could be used if there is a higher elevation with better screening and may result in fewer viewsheds being impacted; noted that the photos taken by the applicant were taken from the roadway and not from other important locations within the locality (i.e. roadways aren't the only important locations in the County); also encouraged folks to be cordial to the public when speaking (to the Board) on behalf of the County; and thanked the Board for respecting him during his time within the County.

William Rother came forward to express that he is not in favor of what is being proposed; advised that he moved to Madison to live a simple, quiet life; and feels that he has to protect his property investment and way of life.

Randy Hamm came forward to express that much time, effort and money has been invested (by the applicant) on tonight's proposal; noted that he and other property owners in the area have also invested a lot of time and money in their property as well; feels that what's being proposed will be a considerable eyesore in a very scenic area, and will be very obstructive; feels that the applicant is trying to present the request as being less intrusive by going from 200 feet to 175 feet - painting the tower will not enhance anything; feels that cell coverage is needed in the area in order to protect lives during a medical emergency, but questioned if it's necessary to sacrifice the beauty of the area; asked the County to postpone making a decision and research a different area on the proposed property; and noted that most towers are on a knoll and not in a position to be so intrusive.

Pete Elliott came forward and referred to a photo of the proposed monopole and the power lines and said that the towers supporting the power lines appear more visually intrusive.

After a determination that there was no one else (either present or via electronic means) who wished to speak, the public hearing was closed.

Comments from Board Members and Others:

Supervisor McGhee: Referred to the proposed location and questioned whether the monopole spot was selected by the property owner or by the tower company.

Butch Davis, counsel for the applicant, advised that the property was evaluated, along with about six other properties to determine where the best level of coverage could be attained. He also noted that a site on the Somerset Farm was studied; however, the property owner was opposed to the idea being presented.

Supervisor Hoffman reminded everyone present that there is no good cell coverage in the area where the monopole is proposed for citizens or emergency services personnel; referred to past opposition when Sheetz was being built because of concerns that it would 'ruin the countryside' which is no longer of any concern; that many citizens weren't in favor of the first cell tower that was erected here, but now this isn't the case as the cell coverage it offers is being used by many; feels the applicants have done due diligence to find the right location; nothing being proposed will please everyone; and verbalized favor of the proposed request.

Supervisor Yowell noted that the tower site selection had been underway for several years; the site being proposed was closely studied by the applicant; noted that there are conditions within the County zoning ordinance regarding cell towers; noted that while the vicinity being proposed (Somerset/Uno) does have limited cell phone coverage, service is generally lacking in that area of the County; feels that due diligence has been done on the part of the applicant; and verbalized favor of approving tonight's proposed request.

Chairman Jackson expressed a favorable opinion of the request; referred to the towers near his property; encouraged that a cell tower be put up to enhance service in the area being proposed and is a necessity at this point in time; understands how the appearance of the tower will impact some residents.

Mr. Hamm suggested that there be some documentation included with the proposal that if the time comes that the proposed tower is no longer in use, it should be decommissioned and removed from the location.

Chairman Jackson noted that the County's Zoning Ordinance contains language that requires such a tower to be decommissioned if and when it is no longer in use and that a draft resolution prepared by the special counsel and circulated for members of the Board to review prior to the meeting contains language reiterating this requirement.

Supervisor Hoffman moved that the Board approve Case No. SU-11-20-21 and Resolution #2020-28, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

The Resolution reads as follows:

RESOLUTION

#2020-28

***Approving Special Use Permit Application Number SU-11-20-21
of CWS X, LLC, for a Wireless Communications Facility on Property Located at 950 S. Blue Ridge Turnpike, Somerset,
Virginia 22972,
Tax Parcel Number 69-7, in Madison County.***

WHEREAS, an application dated September 3, 2020, was submitted by CWS X, LLC (the “Applicant”), for Special Use Permit Application Number SU-11-20-21 (the “Application”), requesting approval of a Special Use Permit (“SUP”), pursuant to Article 14-13 of the Zoning Ordinance of Madison County, Virginia, for a Wireless Communications Facility (“WCF”) on property located at 950 S. Blue Ridge Turnpike, Tax Parcel Number 69-7 (the “Subject Property”), in Madison County; and

WHEREAS, the Subject Property is in the A-1 Zone; and

WHEREAS, the Subject Property is approximately 376 acres and the WCF is a one-hundred and seventy-five foot (175’) monopole with an attached four foot (4’) lightning rod, bringing the total height to 179 feet, and will be located in a fifty by one hundred foot (50’ x 100’) compound that will be surrounded by an eight foot (8’) high chain link fence; and

WHEREAS, the WCF is proposed to be located a significant distance from adjacent parcels and nearby structures;

WHEREAS, the WCF proposed by the Application will provide wireless communications to the citizens, businesses, visitors, and emergency response personnel in this area of Madison County, along with those traveling to and through Madison County along portions of the Blue Ridge Turnpike (Route 231) and Constitution Highway (Route 20) and will provide broadband access to those living and working nearby; and

WHEREAS, the general area of the proposed WCF has limited, and often nonexistent, cellular service and broadband access, as the wireless infrastructure in the general area of the proposed WCF is sparse; and

WHEREAS, the Applicant has agreed to allow Madison County’s emergency response personnel to utilize, free of charge, the WCF that is the subject of this Application, which would thereby improve the County’s emergency services in this area of the County; and

WHEREAS, while the area surrounding the proposed location of the WCF on the Subject Property does include some open fields, the transportation corridors (Routes 20 and 231) are frequently lined with trees and dense shrubbery that screen most of the views from these roadways and, where there are views of the WCF from these roadways, they are mostly distant and unobtrusive; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, which establishes guidelines for the siting of WCFs throughout the County, provides in subparagraph (A) thereof that one of the County’s goals with respect to the siting of WCFs is to “minimize the total number of freestanding antenna support structures throughout the County, by maximizing the use of existing support structures;” and

WHEREAS, the Board of Supervisors finds that there are no existing support structures that are suitable for the mounting of antennas in order to address the telecommunications service gap in this area of Madison County, as the closest telecommunications structures are approximately three (3) miles to the east and over five (5) miles away in all other directions; and

WHEREAS, the proposed WCF will provide capacity for the antennas and equipment of up to six (6) wireless providers, which will maximize the use of the proposed support structure and minimize the need to have additional wireless support structures in this particular area of the County, thereby satisfying the County's goal set forth in Article 14-13-1(A) of the Madison County Ordinance; and

WHEREAS, the WCF proposed by the Application has been reviewed by the State Historic Preservation Officer ("SHPO") and has been found to have "No Adverse Impact" on any historic resources in the area; and

WHEREAS, in order to gain the concurrence of the SHPO with the WCF proposed in the Application, the Applicant agreed to several design changes, including a 20-foot reduction in height, a monopole instead of a lattice tower, and painting of the monopole a light non-reflective gray; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance also provides in subparagraph (B) thereof that another of the County's goals with respect to the siting of WCFs is to "strongly encourage the joint use of new and existing WCF sites;" and

WHEREAS, the Board of Supervisors finds that the proposed WCF will accommodate up to six (6) wireless service providers, thereby satisfying the goal set forth in Article 14-13-1(B); and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (C) thereof that another of the County's goals with respect to the siting of WCFs is to "[s]trongly encourage the owners and operators of WCFs to locate them, to the extent possible, in areas where the impact on the County is minimal;" and

WHEREAS, the Applicant vetted numerous parcels and Routes 20 and 231 are largely lined with trees and dense shrubbery that screen most of the views of the proposed WCF from these roadways, therefore, the Board of Supervisors finds that the goal set forth in Article 14-13-1(C) has been satisfied; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (D) thereof that another of the County's goals with respect to the siting of WCFs is to "[l]imit the location of freestanding antenna support structures that detract from the scenic qualities of Madison County;" and

WHEREAS, where there are views of the proposed WCF from Routes 20 and 231, they are distant and largely unobtrusive and the Board of Supervisors finds that the proposed WCF would not have a significant negative impact on the scenic qualities of Madison County; and, therefore, the Board finds that the goal set forth in Article 14-13-1(D) has been satisfied; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (E) thereof that another of the County's goals with respect to the siting of WCFs is to "[e]ncourage the owners and operators of WCFs to locate and configure them in a way that minimizes the adverse visual impact on the landscape and adjacent properties;" and

WHEREAS, based on the location of the WCF proposed in the Application, the Board finds that the goal set forth in Article 14-13-1(E) has been satisfied because the Board is of the opinion that the proposed WCF, at a height of 179 feet, inclusive

of a 4-foot lightning rod, to be painted a non-reflective gray color, and with the screening that exists along Routes 20 and 231 and space for as many as six cell providers, minimizes any adverse visual impact from WCFs in this area of Madison County; and

WHEREAS, Article 14–13–1 of the Madison County Zoning Ordinance, also provides in subparagraph (F) thereof that another of the County’s goals with respect to the siting of WCFs is to “[e]nhance the ability of wireless communications providers to provide such services efficiently and effectively to residents and visitors of Madison County;” and

WHEREAS, the establishment of the proposed WCF will provide wireless telecommunications services to residents of and visitors to Madison County in an area of the County that is at least three miles from the nearest WCF, particularly on those parts of Rotes 20 and 231 in this area; and

WHEREAS, the Madison County Planner issued a staff report dated October 29, 2020, regarding the Application and recommended approval of said Application; and

WHEREAS, the Madison County Planning Commission (the “Planning Commission”) conducted a work session on the Application on October 21, 2020, at which members of the public were allowed to discuss the Application and express their opinions with respect to the Application; and

WHEREAS, the Planning Commission also conducted a joint public hearing on the Application with the Board of Supervisors of Madison County, Virginia (the “Board of Supervisors”), on November 4, 2020, and that the Planning Commission is of the opinion that the Application is in substantial conformance with all of the applicable provisions of the Madison County Comprehensive Plan; and

WHEREAS, at the conclusion of the Planning Commission’s public hearing on the Application on November 4, 2020, the Planning Commission recommended that the Board of Supervisors approve the Application; and

WHEREAS, after the Planning Commission recommended approval of the Application on November 4, 2020, the Board of Supervisors considered the Application; and

WHEREAS, the Board of Supervisors has taken into consideration the testimony of members of the public at its joint hearing with the Planning Commission on November 4, 2020; and

WHEREAS, it is the judgment and opinion of the Board of Supervisors that the Application is in conformance with all applicable requirements for WCFs as set forth in the Madison County Zoning Ordinance; and

WHEREAS, it is also the judgment and opinion of the Board of Supervisors that the Application is in substantial conformance with all of the applicable provisions of the Madison County Comprehensive Plan; and

WHEREAS, it is also the judgment and opinion of the Board of Supervisors that the Application should be approved, with certain conditions, all of which are set forth below as part of this Resolution, and that such approval is consistent with the public necessity, convenience, general welfare, and good zoning practice;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby approves the Application and, as part of its approval of the Application, adopts the following conditions:

1. *The WCF that is the subject of the Application is a one hundred and seventy-five-foot (175') monopole, with a four-foot (4') lightning rod attached, thereby comprising no more than one-hundred and seventy-nine feet (179') in height;*
2. *The WCF shall be located within a fifty by one hundred-foot (50' x 100') compound that shall be surrounded by an eight foot (8') high chain link fence;*
3. *The monopole approved as part of this Application shall have space for at least six (6) wireless service providers;*
4. *All of the equipment approved as part of this application for up to six (6) wireless service providers shall be located within the foregoing compound;*
5. *The foregoing compound and all structures, equipment and facilities that comprise the WCF approved as part of this Application shall be located in substantially the same location as has been represented by the Applicant in this Application;*
6. *The monopole approved as part of this Application shall be painted a light non-reflective gray color;*
7. *The WCF approved as part of this Application shall be unlit;*
8. *The Applicant has agreed to allow Madison County emergency services personnel to utilize the WCF that is the subject of this Application at a mutually agreed upon location.*
9. *The WCF approved as part of this Application shall satisfy at all times all applicable provisions of the Madison County Zoning Ordinance; and*
10. *In the event the WCF approved as part of this Application is abandoned and is no longer in operation, the WCF, including any support structure and accessory equipment, fencing and all other materials associated with this Application, shall be permanently removed from the subject property in accordance with the deadlines set forth in the Madison County Zoning Ordinance with respect to abandoned WCFs.*

Discussion Item

B) Rural Resort – Adjustments to the County Code in re “Rural Resorts” (Webb):

Mr. Webb gave an oral report on recent “rural resort) revisions to the Zoning Ordinance. It was noted that the ordinance still contains “rural resort” phrases although the County’s clear intent was to change those to “event venues”. A written report will be provided at a future date on action required to properly and formally address this matter as a cleanup item.

Information/Correspondence

Public Comment

Planning Commission Chairman Michael Mosko came forward to suggest that time limits for decommissioning a cell tower should be under the responsibility of the landowner within a specified time frame as noted within the County's Zoning Ordinance of 180 days; he also referenced the word change in the Resort Ordinance regarding "event" to "venue."

Closed Session: None

Adjourn

There being no further business, Supervisor Hoffman moved to adjourn the meeting at 8:27 p.m., seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Copies: Board of Supervisors, Special Counsel & Constitutional Officers

Adopted on: November 10, 2020

Adopted Items:

Resolution #2020-2 [Resolution Approving Special Use Permit Application Number SU-11-20-21 of CWS X, LLC for a Wireless Communications Facility on Property Located at 950 S. Blue Ridge Turnpike, Somerset, Virginia 22972, Tax Parcel Number 69-7, in Madison County]



Agenda

Board of Supervisors Meeting

Wednesday, November 4, 2020 at 7:00 PM

County Administration Building Auditorium

414 N. Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum / Adopt Agenda

Public Comment

Public Hearings

- A) **Case No. SU-11-20-21:** Request by CWS X, LLC for an indefinite special use permit to develop a wireless communication facility ("WCF"). The subject property is zoned A1 (Agriculture) and per article one (zoning ordinance) section 14-13-4 (uses requiring a special use permit) WCF's exceeding one-hundred (100) feet in height require a special use permit. The subject property is 376.2 acres, and the property's owner(s) intend to lease a 10,000 square foot area to the applicant. The WCF would be confined to a roughly 50' x 100' fenced-in compound; the total site disturbance – including access road and fenced-in compound – is estimated to be

approximately 1.18 acres. The monopole tower's proposed height is 175 feet with an attached four (4) ft. lightning rod. The subject property is located on South Blue Ridge Turnpike (Rt. 231), and is owned by M & W Farm, LLC. The subject parcel is identified on Madison County's Tax Maps as 69-7, and an existing dwelling on the site has a postal address of 950 South Blue Ridge Turnpike, Somerset, VA 22972.

Discussion Item

B) Rural Resort – Adjustments to the County Code in re “Rural Resorts” (Webb)

Information/Correspondence

Public Comment

Closed Session

Adjourn

Scanned Attachments:



SHANNON
MULLINS &
WRIGHT LLP

November 4, 2020

Via Electronic Mail, Regular Mail, Hand-Delivery

Chairman Jackson and Members of the Madison County Board of Supervisors
Board Chambers - [PO Box 705]
302 Thrift Road
Madison, VA 22727
cjackson@madisonco.virginia.gov

Re: Mandatory Stay of All Proceedings Relating to SUP Application Case No. SU-11-20-21
PENDING BZA APPEAL FILED TODAY - November 4, 2020

Dear Chairman Jackson and Members of Board of Supervisors:

I am submitting this letter to you and copying the County Attorney, as well as J. Patrick Taves,¹ outside counsel to Madison County.

I represent William Rother, including his complete ownership of Belle Mont Farm, LLC (collectively "Appellant/Petitioner"). The Appellant/Petitioner owns the property located at 736 Race Ground Road, Rochelle, VA 22738 ("Belle Mont Farm") which is in Madison County and zoned A-1. Belle Mont Farm is located adjacent and in close proximity to land that is the subject of the pending special use permit

application Case No. SU-11-20-21 ("SUP Application- Cell Tower") that has been noticed for a joint public hearing before the Madison County Planning Commission ("Planning Commission") and the Madison County Board of Supervisor ("Board").

Earlier today, November 4, 2020, the Appellant/Petitioner filed an appeal to the Madison County Board of Zoning Appeals ("BZA") challenging a decision/determination made by Mr. Ligon Webb, in his position as the County Planner.² The decision/determination of the County Planner being appealed to the BZA deals specifically with the SUP Application- Cell Tower that is set for a joint public hearing this evening. A receipt for the BZA appeal filed today was issued.

Pursuant to Virginia law, the Planning Commission and the Board shall stay all further proceedings relating to SUP Application - Cell Tower, since it is the subject of a pending BZA

¹ It is my understanding that Patrick Taves of Greehan, Taves & Pandak, PLLC, has been retained as outside counsel for Madison County relating to SUP Application Case No. SU-11-21-21. I am copying him as a courtesy only.

² Madison County refers to its head of the Department of Planning and Zoning as the County Planner, Director of Planning and Zoning, and the Zoning Administrator. For purposes of this letter and the pending BZA appeal, I will refer to this individual and/or position as the County Planner; however, it incorporates all titles and authorities.

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Board of Supervisors for Madison County, Virginia

November 4, 2020

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appeal. Below are the applicable sections from the Virginia State Code and the Madison County Zoning Ordinance.

Virginia State Code

Section 15.2-2311 Appeals to board:

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown. [The "Board" referenced herein refers to the BZA not the Board of Supervisors.]

Madison County Zoning Ordinance

Section 17-4 Appeal to the Board of Zoning Appeals: Variances. Hardships. Interpretation:

A notice of appeal shall be filed specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. **An appeal shall stay all proceedings in furtherance of the action appealed from** unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by

the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown. [The "Board" referenced herein refers to the BZA not the Board of Supervisors.]

Accordingly, any action this evening in furtherance of SUP Application - Cell Tower would be a direct violation of Virginia state law and the County's own Zoning Ordinance. Please confirm that you will stay all proceedings relating to SUP Application - Cell Tower.

Sincerely,



Roy Shannon, Jr.

cc: County Planner/ Zoning Administrator: lwebb@madisonco.virginia.gov Patrick
Taves, Outside Counsel: ptaves@gtpslaw.com
County Attorney: sdgregg@sdgregglaw.com
SUP Application - Cell Tower representative: queli.campos@sharesites.com

RESOLUTION

#2020-28

**Approving Special Use Permit Application Number SU-11-20-21 of CWS
X, LLC, for a Wireless Communications Facility on Property
Located at 950 S. Blue Ridge Turnpike, Somerset, Virginia 22972,
Tax Parcel Number 69-7, in Madison County.**

WHEREAS, an application dated September 3, 2020, was submitted by CWS X, LLC (the "Applicant"), for Special Use Permit Application Number SU-11-20-21 (the "Application"), requesting approval of a Special Use Permit ("SUP"), pursuant to Article 14-13 of the Zoning Ordinance of Madison County, Virginia, for a Wireless Communications Facility ("WCF") on property located at 950 S. Blue Ridge Turnpike, Tax Parcel Number 69-7 (the "Subject Property"), in Madison County; and

WHEREAS, the Subject Property is in the A-1 Zone; and

WHEREAS, the Subject Property is approximately 376 acres and the WCF is a one- hundred and seventy-five foot (175') monopole with an attached four foot (4') lightning rod, bringing the total height to 179 feet, and will be located in a fifty by one hundred foot (50' x 100') compound that will be surrounded by an eight foot (8') high chain link fence; and

WHEREAS, the WCF is proposed to be located a significant distance from adjacent parcels and nearby structures;

WHEREAS, the WCF proposed by the Application will provide wireless communications to the citizens, businesses, visitors, and emergency response personnel in this area of Madison County, along with those traveling to and through Madison County along portions of the Blue Ridge Turnpike

(Route 231) and Constitution Highway (Route 20) and will provide broadband access to those living and working nearby; and

WHEREAS, the general area of the proposed WCF has limited, and often nonexistent, cellular service and broadband access, as the wireless infrastructure in the general area of the proposed WCF is sparse; and

WHEREAS, the Applicant has agreed to allow Madison County's emergency response personnel to utilize, free of charge, the WCF that is the subject of this Application, which would thereby improve the County's emergency services in this area of the County; and

WHEREAS, while the area surrounding the proposed location of the WCF on the Subject Property does include some open fields, the transportation corridors (Routes 20 and 231) are frequently lined with trees and dense shrubbery that screen most of the-

views from these roadways and, where there are views of the WCF from these roadways, they are mostly distant and unobtrusive; and

WHEREAS, Article 14--13-1 of the Madison County Zoning Ordinance, which establishes guidelines for the siting of WCFs throughout the County, provides in subparagraph (A) thereof that one of the County's goals with respect to the siting of WCFs is to "minimize the total number of freestanding antenna support structures throughout the County, by maximizing the use of existing support structures;" and

WHEREAS, the Board of Supervisors finds that there are no existing support structures that are suitable for the mounting of antennas in order to address the telecommunications service gap in this area of Madison County, as the closest telecommunications structures are approximately three (3) miles to the east and over five (5) miles away in all other directions; and

WHEREAS, the proposed WCF will provide capacity for the antennas and equipment of up to six (6) wireless providers, which will maximize the use of the proposed support structure and minimize the need to have additional wireless support structures in this particular area of the County, thereby satisfying the County's goal set forth in Article 14--13-1(A) of the Madison County Ordinance; and

WHEREAS, the WCF proposed by the Application has been reviewed by the State Historic Preservation Officer ("SHPO") and has been found to have "No Adverse Impact" on any historic resources in the area; and

WHEREAS, in order to gain the concurrence of the SHPO with the WCF proposed in the Application, the Applicant agreed to several design changes, including a 20-foot reduction in height, a monopole instead of a lattice tower, and painting of the monopole a light non-reflective gray; and

WHEREAS, Article 14--13-1 of the Madison County Zoning Ordinance also provides in subparagraph (B) thereof that another of the County's goals with respect to the siting of WCFs is to "strongly encourage the joint use of new and existing WCF sites;" and

WHEREAS, the Board of Supervisors finds that the proposed WCF will accommodate up to six (6) wireless service providers, thereby satisfying the goal set forth in Article 14--13-1(B); and

WHEREAS, Article 14--13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (C) thereof that another of the County's goals with respect to the siting of WCFs is to "[s]trongly encourage the owners and operators of WCFs to locate them, to the extent possible, in areas where the impact on the County is minimal;" and

WHEREAS, the Applicant vetted numerous parcels and Routes 20 and 231 are largely lined with trees and dense shrubbery that screen most of the views of. the _proposed WCF from these roadways, therefore, the Board of Supervisors finds that the goal set forth in Article 14-13-1(C) has been satisfied; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (D) thereof that another of the County's goals with respect to the siting of WCFs is to "[l]imit the location of freestanding antenna support structures that detract from the scenic qualities of Madison County;" and

WHEREAS, where there are views of the proposed WCF from Routes 20 and 231, they are distant and largely unobtrusive and the Board of Supervisors finds that the proposed WCF would not have a significant negative impact on the scenic qualities of Madison County; and, therefore, the Board finds that the goal set forth in Article 14-13- 1(D) has been satisfied: and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (E) thereof that another of the County's goals with respect to the siting of WCFs is to "[e]ncourage the owners and operators of WCFs to locate and configure them in a way that minimizes the adverse visual impact on the landscape and adjacent properties;" and

WHEREAS, based on the location of the WCF proposed in the Application, the Board finds that the goal set forth in Article 14-13-1(E) has been satisfied because the Board is of the opinion that the proposed WCF, at a height of 179 feet, inclusive of a 4- foot lightning rod, to be painted a non-reflective gray color, and with the screening that exists along Routes 20 and 231 and space for as many as six cell providers, minimizes any adverse visual impact from WCFs in this area of Madison County; and

WHEREAS, Article 14-13-1 of the Madison County Zoning Ordinance, also provides in subparagraph (F) thereof that another of the County's goals with respect to the siting of WCFs is to "[e]nhance the ability of wireless communications providers to provide such services efficiently and effectively to residents and visitors of Madison County;" and

WHEREAS, the establishment of the proposed WCF will provide wireless telecommunications services to residents of and visitors to Madison County in an area of the County that is at least three miles from the nearest WCF, particularly on those parts of Rotes 20 and 231 in this area; and

WHEREAS, the Madison County Planner issued a staff report dated October 29, 2020, regarding the Application and recommended approval of said Application; and

WHEREAS, the Madison County Planning Commission (the "Planning Commission") conducted a work session on the Application on October 21, 2020, at which members of the public were allowed to discuss the Application and express their opinions with respect to the Application; and

WHEREAS, the Planning Commission also conducted a joint public hearing on the Application with the Board of Supervisors of Madison County, Virginia (the "Board of Supervisors"), on November

4, 2020, and that the Planning Commission is of the opinion that the Application is in substantial conformance with all of the applicable provisions of the Madison County Comprehensive Plan; and

WHEREAS, at the conclusion of the Planning Commission's public hearing on the Application on November 4, 2020, the Planning Commission recommended that the Board of Supervisors approve the Application; and

WHEREAS, after the Planning Commission recommended approval of the Application on November 4, 2020, the Board of Supervisors considered the Application; and

WHEREAS, the Board of Supervisors has taken into consideration the testimony of members of the public at its joint hearing with the Planning Commission on November 4, 2020; and

WHEREAS, it is the judgment and opinion of the Board of Supervisors that the Application is in conformance with all applicable requirements for WCFs as set forth in the Madison County Zoning Ordinance; and

WHEREAS, it is also the judgment and opinion of the Board of Supervisors that the Application is in substantial conformance with all of the applicable provisions of the Madison County Comprehensive Plan; and

WHEREAS, it is also the judgment and opinion of the Board of Supervisors that the Application should be approved, with certain conditions, all of which are set forth below as part of this Resolution, and that such approval is consistent with the public necessity, convenience, general welfare, and good zoning practice;

NOW, THEREFORE, BE IT RESOLVED that the Madison County Board of Supervisors hereby approves the Application and, as part of its approval of the Application, adopts the following conditions:

1. The WCF that is the subject of the Application is a one hundred and seventy-five-foot (175') monopole, with a four-foot (4') lightning rod attached, thereby comprising no more than one-hundred and seventy-nine feet (179') in height;
2. The WCF shall be located within a fifty by one hundred-foot (50' x 100') compound that shall be surrounded by an eight foot (8') high chain link fence;
3. The monopole approved as part of this Application shall have space for at least six (6) wireless service providers;
4. All of the equipment approved as part of this application for up to six (6) wireless service providers shall be located within the foregoing compound;
5. The foregoing compound and all structures, equipment and facilities that comprise the WCF approved as part of this Application shall be located in substantially the same location as has been represented by the Applicant in this Application;
6. The monopole approved as part of this Application shall be painted a light non-reflective gray color;
7. The WCF approved as part of this Application shall be unlit;

8. The Applicant has agreed to allow Madison County emergency services personnel to utilize the WCF that is the subject of this Application at a mutually agreed upon location.

9. The WCF approved as part of this Application shall satisfy at all times all applicable provisions of the Madison County Zoning Ordinance; and

10. In the event the WCF approved as part of this Application is abandoned and is no longer in operation, the WCF, including any support structure and accessory equipment, fencing and all other materials associated with this Application, shall be permanently removed from the subject property in accordance with the deadlines set forth in the Madison County Zoning Ordinance with respect to abandoned WCFs.

Passed this 4th day of November, 2020 on motion of Supervisor Hoffman seconded by Supervisor Foster.

A COPY ATTEST



R. Clay Jackson, Chairman
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	<u> x </u>	___	___	___
Charlotte Hoffman	<u> x </u>	___	___	___
Kevin McGhee	<u> x </u>	___	___	___
Amber Foster	<u> x </u>	___	___	___
Carty Yowell	<u> x </u>	___	___	___